

layman, and then see to it that the layman comes to it in the second instance. At the present time, the State Board of Health is the body to which town and city governments and public and quasi-public corporations turn for information and advice regarding public hygiene and sanitation. This should always be so. But there are questions which are not sanitation matters, problems before chambers of commerce, boards of trade, corporations conducting enterprises which need medical supervision, or conducting hazardous enterprises in which accidents occur necessitating the employment of surgical services, and so on; the society should so establish itself in relation to these sister corporations that they would turn to it with no question but that that was the natural and first thing to do for information, for advice, for assistance, or for the nomination of suitable men to take up particular functions. The society should so establish itself in the knowledge and regard of every individual that no man would ever think of sending into the sick room of his wife or his children, nor of calling to his own aid, a physician or a surgeon who was not a member of the society and had not its endorsement of his skill and his morals.

Thirty years ago, when I became a member of the society, its annual meeting, the papers read, and the banquet constituted all. And that was enough. The membership was small, its needs were simple and were satisfied without difficulty. These thirty years have seen the development of a relatively most complex organization out of the original simplicity. But while applauding this and emphasizing the importance of the work now done, I insist that it is not enough; I insist that development is imperative, and I affirm that it should be along the lines I have indicated—by gradual advance and successive small alterations, which shall be properly adjusted and anticipated, and announced in advance, until the changes I have indicated have been brought about. It can never be enough that the society shall expend practically a hundred per cent. of its energies on its own membership or for its own membership. It can never be enough that the society shall be seemingly always in opposition to the laity in the legislature and in courts, even though that position of opposition is forced on it by the laity itself. It can never be enough until the society shall be able to live up to the letter and the spirit of that sentence in the announced object, which says: "to enlighten and direct public opinion in regard to the great problems of state medicine, so that the profession shall become more capable and honorable within itself and more useful to the public." It can never be enough until the society shall surely be, so far as medicine is concerned, all things to all men in this State of California.

## Forty-fifth Annual Meeting

### REPORT OF THE SECRETARY.

To the President and Members of the House of Delegates: Medical Society State of California. Gentlemen:

As required by the By-Laws, the Secretary herewith presents a statement of the condition of the membership of the Society and, as there was no meeting in 1915, a brief statement of the years 1914 and 1915 is included.

The year 1913 closed with a membership of 2396.

The year 1914 closed with a membership of 2503.

The year 1915 closed with a membership of 2557.

In 1914 there were 27 deaths and 5 resignations.

In 1915 there were 36 deaths and 3 resignations.

It will appear from these figures that there are very few resignations, and that in spite of resignations and deaths the membership has constantly grown.

A word may be added in the nature of a report from the Editor.

The work on the Directory has grown so much that its publication in the latter part of last year was impossible. Owing to the increase of work of all kinds in the office, it has been necessary to add the services of an additional clerk, and this will permit us to more carefully systematize some of the work and probably get the material for the next Directory together in quicker time.

*Journal:* In the opinion of the Editor, the average quality of the papers in the Journal shows a definite improvement. This is in no way due to the work of the Editor, but is an indication of the fact that our members are producing better and more valuable papers.

The Publication Committee has been at all times of the greatest service to the Editor, and the members of the Committee have cheerfully read and considered a large number of papers. No paper has been rejected or refused publication until after submission to at least one or two of the members of the Committee.

Respectfully submitted.

(Signed) PHILIP MILLS JONES,  
Secretary.

### REPORT OF THE COUNCIL.

To the Officers and Members of the House of Delegates:

Gentlemen:

Your Council, as required by the By-Laws, presents herewith a report of the affairs of the Society, including its various activities, covering the period of the two years 1914 and 1915.

The financial statement, together with the reports of two firms of certified public accountants for the year 1914, was published in the Journal for November, 1915.

The report of the certified public accountants of the audit of the books and accounts for 1915 appears in the Journal for April, 1916.

*Journal:* The Journal shows some slight increase in receipts, and the early part of 1916 shows an additional slight increase. It will also show a considerable increase in subscriptions.

Allowing \$1.00 per member as subscription to the Journal, it will be seen that the Journal is earning a profit which pays two-thirds of the amount of the salaries paid out in our office.

**Register:** The Register is a loss, and will always be a loss, to the Society. Furthermore, the amount of annual loss on its publication is increasing. The Council has heretofore called attention to the fact that the Directory is not considered to be a valuable advertising medium and that it is increasingly difficult to secure advertisements for it. We must confidently expect that it will always be an expense and never a producer of revenue.

**Industrial Accident Insurance:** A number of complaints having been brought to the attention of the Chairman of the Council by the Secretary of the Society, the Chairman appointed a committee consisting of Dr. James H. Parkinson, Dr. Sol. Hyman and Dr. Philip M. Jones, to represent this Society in the sessions of a joint committee, on which the additional members were Messrs. Bower, Wistrand and Coen of the Casualty Insurance Adjusters' Association, and one from the State Compensation Fund—Dr. Morton Gibbons. This Committee considered various matters presented to it, and found:

1st. That nearly all complaints were due to a failure of the physician in the case to understand the situation, properly make out his bills, reports, etc., and a lack of realization on his part that additional compensation is willingly allowed when the circumstances justify it and the facts are duly presented to the company.

2d. In the matter of complaint that certain physicians were acting as agents and as surgeons for the company, such a condition of affairs, if existing, was found to be without the knowledge of any company, and was probably a local understanding between the physician and the local agent.

3d. In regard to complaint from Los Angeles that companies were making contracts with physicians, paying a fixed and insufficient amount as flat compensation, it appeared that only one company in one instance, so far as known, had done this and that was a single case in Los Angeles.

It was decided to form and put into operation a *Grievance Committee*, as recommended in our report of April, 1914, and authorized at that time. This Committee has been appointed as follows:

For the Medical Society: Dr. Morton Gibbons, Dr. Sol. Hyman, Dr. Philip M. Jones.

For the Insurance Board: Messrs. Bower, Wistrand and Coen.

This Committee will meet at any time, consider any complaint, and endeavor to secure an amicable adjustment.

**Medical Defense:** The most important work which this Society has ever undertaken is that of defending its members when sued for damages for alleged malpractice.

From 1909 to 1913 there was comparatively little work. The total cost of the work in all parts of the State for those five years was \$13,323.07.

As an indication of the way the work has increased, it may be noted that for the two years covered by this report the cost was \$16,157.04.

The cost by years is as follows:

1909 .....	\$ 788.08
1910 .....	1,689.37
1911 .....	2,389.65
1912 .....	3,242.87
1913 .....	5,213.10
1914 .....	7,093.01
1915 .....	9,064.03
	<hr/>
	\$29,480.11

From the map and figures presented, it will be noted that there have been 270 suits or threats from attorneys; these are not separated for the reason that any separation accurate to-day might be false to-morrow. In other words, any number of threats may become suits at any time, and in both events expense is incurred by the Society.

This work is actually a very serious and a very considerable business undertaking, and your Council has conducted it in as nearly a business-like way as possible. It is not good business to employ several people to do work that one person can do; it is not good business to allow a party to a contract to be excused from performing his obligations. Therefore the rule was made in regard to handling cases where a suit is filed against a member who is also insured in an indemnity company. If such company employs thoroughly qualified lawyers, there is no necessity for our going to additional expense in the matter. Also there is no necessity for excusing such insurance company from paying all the court costs, etc., which it has by contract undertaken to pay. Where our attorneys have reason to believe that they can be of material assistance in defending the rights of the member, they are instructed in all cases to do so. As an illustration of this we might cite one county alone; to go into all the cases would be far too tedious. In Alameda County during the period covered by this report, in three instances where each one of the three members held insurance, and where the court costs, etc., were paid by the insurance company, we felt it necessary for our own attorneys to take charge of the actual trial, and these three cases cost the Society for this defense, in addition to the costs paid by the insurance company, \$985.00.

Complaint has been made that in the event of judgment against a member, the amount assessed would have to be paid by himself. This is correct. This is the action that was taken in April, 1909. If the House of Delegates wishes to change this action and create a fund out of which such expense items may be paid, it can do so by placing any assessment it sees fit upon the membership. In this connection, we report that during the total existence of our medical defense work, there have been three cases of a member defended by this Society where a verdict was awarded against the member. The total amount of such judgments is \$3960.00.

To repeat: Only three judgments have gone against members in seven years, and one of these is now on appeal; the total amount of damages was \$3960.00.

The Council makes no recommendation on this

subject, but presents to the House of Delegates two possible practicable plans:

1. That the assessment upon all members for at least two years be made not less than \$15.00, the total amount of 50% of this assessment to be set aside to create a fund to be used only for the payment of judgments against members, settlements of suits against members out of court, when it appears that in all probability there is no possibility of successfully defending such a suit.

2. Allow the present assessment to remain as \$6.00, and authorize the Council to invite 1000 or more members who wish to do so, to pay into a fund \$15 per year apiece for not less than two years, the interest on this fund to be used for increased amount which defending suits would cost, and the principal to be used for defraying judgments, settlements and the like in actions brought against such members as contributed to this fund. Under this suggestion, all members would be defended in any action for damages for alleged malpractice as at present under existing rules, but judgments, settlements and the like would only be paid for those members contributing to the fund.

Either of these plans would create at the end of two, or at most three years, a fund of from \$25,000 to \$45,000, which fund without any additions would take care of this feature of the work for many years to come. Upon its depletion at some time in the future, an additional assessment to replenish it could be levied. From the experience of the last seven years, however, it is probable, and the Council has every reason to believe it true, the fund would last without requiring an additional assessment for at least ten years.

The Council recommends that San Diego (Coronado) be the place of meeting next year.

#### REPORT OF THE COMMITTEE ON THE EFFECTS OF ATHLETICS ON PUPILS.\*

The Medical Society of the State of California:

Mr. President and Fellow Members—Five years ago at the instance of Dr. Pottinger this society appointed a committee to investigate the effects of athletics as practiced in the universities and high schools. At that time the magazine literature of the country was awakening the public understanding to the dangers and abuses of competitive sports and your committee hoped to obtain accurate information and engage in personal investigation of the physical and mental effect of athletics as then practiced. In the pursuance of that intention a tentative scheme of work was agreed upon and has in part been carried out. That we have in no way realized our full program, has been due to various circumstances. It was soon realized that physical observations on a

scale capable of yielding reliable results involved an expenditure of money that was not at the disposal of this committee. Secondly, the death of one member and the prolonged indisposition of another reduced the working force. Thirdly, one of our most valuable members resides at such a distance from his fellows that frequent conferences were not possible. Notwithstanding these difficulties work has been done. On the physical side, the investigations of Dr. Kilgore on blood pressures under strain were published at the state society's meeting of 1912, and since then has appeared the report of Dr. D'Arcy Power dealing with the psychological effects of training and competitive sports. It is some testimony to the value of your committee's work that this latter report has been republished by the Department of Education of the National Government (United States Bureau of Education of 1914, No. 4).

In the years that have elapsed since this committee was appointed the attention of the public and educators has been strongly focused on the evils associated with competitive athletics with the result that your committee is of the opinion that the *raison d'être* for its continuance has ceased to exist. In making this the final report your committee would draw the attention of the society to a recent paper by Dr. W. T. Foster entitled an "Indictment of Inter-Collegiate Athletics," wherein he states that his conclusions are based on five years' personal observation of no less than 100 universities and colleges in 38 states, and sums up his conclusions by the statement that:

"The most obvious fact is that our system of inter-collegiate athletics after unbounded opportunity to show what it can do for the health, recreation and character of all our students has proved a failure and that inter-collegiate athletics provide a costly, injurious and excessive régime of physical training for the few students, specially those who need it least instead of an inexpensive, healthful and moderate exercise for all students, especially those who need it most."

This is almost identical with the conclusions reported to the society in this committee's second report.  
(Signed) H. D'ARCY POWER.

#### SUMMER GRADUATE SCHOOL.

The medical faculty of Stanford University has arranged for a course of Summer Graduate Medical lectures lasting for six weeks, from July 6 to August 15. The courses are numerous and arranged so that any licensed physician may select such branches as he may wish to brush up on. All classes are limited in number and anyone interested had better correspond early with the Dean of Stanford Medical School, Sacramento and Webster streets, San Francisco, Calif.

\* Read at the Forty-fifth Annual Meeting of the Medical Society of the State of California, Fresno, April, 1916.